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Billy Probe Is Widened At Justice

Internal Unit Gets Extensive Powers

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The power of the independent office of the Justice Department investigating the handling of the Billy Carter case has been broadened to allow reopening the criminal investigation of the president's brother.

A special order signed by Acting Attorney General Charles B. Renfrew Aug. 1 and made public yesterday also empowered the department's Office of Professional Responsibility to question officials from the White House and any other branch of government, as well as private citizens.

The investigation will cover:

- Whether Billy Carter might have faced criminal charges or should now face them for activities other than his failure to register as a foreign agent for Libya. (The Justice Department filed a civil suit against him on July 14 forcing him to register.)

- Whether anyone violated any law, including prohibitions against disclosing intelligence secrets, by possibly tipping off Billy Carter to the evidence against him about the \$220,000 in payments he received from Libya.

- Whether any government official violated the law by possibly helping Billy Carter obtain aid improperly from the United States government on behalf of Libya.

The new order stops short of naming a special prosecutor in the case but makes certain that more than a half dozen top officials — including President Carter — covered by the Ethics in Government Act of 1978 will be questioned.

While the new order asserts broad powers, including the right to review national security information and provide immunity to witnesses, it does not affect the attorney general's power to fire the OPR chief investigator.

quickly give way to the naming of a special prosecutor under the Ethics in Government Act if serious allegations of criminal misconduct are lodged against any of the more than 100 top officials covered by the act.

Among the officials certain to be questioned by OPR investigators are: Attorney General Benjamin R. Civiletti, Deputy Attorney General Charles B. Renfrew, Assistant Attorney General Philip B. Heymann, White House Counsel Lloyd N. Cutler, national security adviser Zbigniew Brzezinski, White House Appointments Secretary Phillip J. Wise Jr., CIA Director Stansfield Turner, National Security Agency Director Robert Inman and FBI Director William H. Webster.

At least two close advisers of President Carter, former attorney general Griffin B. Bell and Atlanta lawyer Charles H. Kirbo, are expected to be questioned about whether they learned about details of the investigation from Civiletti, the president or other ranking government officials.

The order from Renfrew said, "The Counsel on Professional Responsibility . . . shall have the authority to investigate for criminal, civil and administrative purposes, any offenses arising from the activities of "Billy" Carter in acting as an alleged agent of the Libyan government, including, but not limited to, the conduct of any and all government employees or appointees, or any other persons, in connection with the investigation of those ac-

tivities, the activities of Mr. Carter, improper disclosures of information relating to the investigation of Mr. Carter and possible improper disclosure to Mr. Carter, or others, relating to Mr. Carter's activities."

Michael E. Shaheen Jr., OPR chief counsel, originally announced his investigation of the handling of the foreign agents registration case on July 25, hours after Civiletti admitted that he had talked to the president about Billy Carter.

Civiletti's July 25 admission of his June 17 conversation with the president was a reversal of his assertion to reporters on July 24 and earlier that he had not talked to the president about it.

The attorney general conceded that he had told the president that Billy Carter was a "damned fool" not to register as a foreign agent for Libya and that if the president's brother did register it was likely that he would not face criminal prosecution.

Only after being informed by Cutler at a garden party on the evening of July 24 that the president had made a note of their meeting did Civiletti make public the fact that the conversation had occurred.

Both Civiletti and the White House insist that it will be proved by the OPR and congressional investigations that they have done nothing improper.

The new four-page order, to be printed in the Federal Register today, spells out the powers of the OPR investigators in a fashion designed to impress witnesses of their need to cooperate with OPR as soon as possible.

Sources familiar with OPR, which normally investigates allegations of misconduct by department employees, said that the office has had similar broad powers before but that they have never been spelled out in print.

Justice Department spokesman Thomas Stewart said that no new evidence had been found to prompt issuance of the new order, but that Renfrew and others believed it would help clarify the powers of OPR investigators if they were challenged by persons outside the Justice Department.

One source said the effect of the order is to make OPR an independent "mini-Criminal Division" to investigate the handling of the case by the department's foreign agents registration unit of the Internal Security Section of the Criminal Division.

Shaheen's report is scheduled to go first to Solicitor General Wade H. McCree Jr., the highest-ranking Justice Department official who was not involved in the case.

If any witness hesitates to cooperate or questions the powers of OPR, a federal grand jury will be convened immediately, sources said.